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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PARTON, KEVIN S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/440,645

Applicant(s)

FONG ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/16/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 10, 19, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1, 10, 19, and 28 recite the limitation " derived from the abstract class" in lines 6, 6, 6, and 10, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 2, 10, 19, 28, are rejected under 35 U.S.C. 102(e) as being anticipated by Middleton, III et al. (USPN 6,393,407).

7. Regarding claims 1, 10, 19, and 28 Middleton, III et al. (USPN 6,393,407) teach a system for monitoring the usage of a web page comprising:

- a. An interface of a target application, the interface comprising a plurality of operations to be selected by a user (figure 1; column 4, lines 10-22). Note that the application in the reference is a web page with inputs and links.
- b. A monitoring unit configured to monitor data of selecting of the plurality of operations of the interface by the user, and to generate a log of the monitored data (column 4, lines 22-25), the log of the monitored data being in a form of a map mapping key data to respective value data (column 4, lines 35-49).
Note that the reference does not use these specific terms, but it does create a file with data to be collected (key data) mapped to the value (value data).
- c. A communicating unit configured to receive an object including the log of the monitored data, and to communicate the log of the monitored data (column 5, lines 47-49; column 5, line 66 – column 6, line 2).

8. Regarding claims 2, 11, 20, and 29, Middleton, III et al. (USPN 6,393,407) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the target application is a software application and the interface is a display screen of the

software application (column 3, lines 43-60; figure 1. Note that in the reference the application is a web page downloaded to the client machine.

9. Regarding claims 5, 14, 23, and 32, Middleton, III et al. (USPN 6,393,407) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the communicating unit sends the log of the monitored data when the user exits the target application (column 5, lines 47-53). Note that the reference refers to the sending of the log upon termination of the browser or moving to a new site.

10. Regarding claims 7, 16, 25, and 34, Middleton, III et al. (USPN 6,393,407) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the key data and the value data in the map both contain string data (column 4, lines 35-49). Note that the returned values in the reference are in string format.

11. Regarding claims 8, 17, 26, and 35, Middleton, III et al. (USPN 6,393,407) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the value data includes vectors which contain string data (column 4, lines 35-49; figure 2). Note that vector format is not explicitly stated in the reference but is the implied method of storage due to the linking of key data to the values for that data that will have several different values for one session (hover time, for example).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Middleton, III et al. (USPN 6,393,407) in view of Motoyama (USPN 5,887,216).

14. Regarding claims 3, 12, 21, and 30, Motoyama (USPN 5,887,216) teaches all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means wherein the target application is an image forming device and the interface is an operation panel of the image forming device.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration of an image forming device wherein the target application is an image forming device and the interface is an operation panel of the image forming device (figure 1; figure 5).

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Middleton, III et al. (USPN 6,393,407) by employing the concept of usage monitoring on the image forming device. Image forming devices are often located remotely from their manufacturers and maintenance contractors. By monitoring usage and errors, the contractors can more quickly and

accurately diagnose and remedy problems with the machine benefiting the client and the contractor.

15. Regarding claims 4, 13, 22, and 31, Motoyama (USPN 5,887,216) teaches all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means wherein the target application is an appliance and the interface is an operation panel of the appliance.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration of an image-forming device wherein the target application is an appliance and the interface is an operation panel of the appliance. (figure 1; figure 5). Note that the term “appliance” is vague and is taken here to be any type of equipment with a user interface and a business or household application.

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Middleton, III et al. (USPN 6,393,407) by employing the concept of usage monitoring on the image forming device. Image forming devices are often located remotely from their manufacturers and maintenance contractors. By monitoring usage and errors, the contractors can more quickly and accurately diagnose and remedy problems with the machine benefiting the client and the contractor.

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16. Regarding claims 6, 15, 24, and 33, Motoyama (USPN 5,887,216) teaches all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means comprising a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating unit communicating the log of the monitored data.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration to a central server comprising a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating unit communicating the log of the monitored data (figure 12). Note that in the reference, analyzing the settings leads to communication with the server.

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Middleton, III et al. (USPN 6,393,407) by employing the use of a variable to note how many times an action occurs before sending data. This benefits the system because during slow use periods, wasted communications can be avoided to reduce traffic and processor load.

17. Regarding claims 9, 18, 27, and 36, Motoyama (USPN 5,887,216) teaches all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means wherein the communicating unit communicates the log of the monitored data by Internet mail.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration to a central server comprising means wherein the communicating unit communicates the log of the monitored data by Internet mail (column 4, lines 39-42).

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Middleton, III et al. (USPN 6,393,407) by employing the use of the Internet for communication back to the central server. This allows the system to be monitored by entities outside the operating network and for increased security in the transmission of the log files. The central server can reside at a contractor facility and allow for maintenance from that location rather than an on-site visit.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sawada (USPN 6,141,507) and Coffey et al. (USPN 5,675,510) teach systems for the monitoring and communications of computer or appliance usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
July 17, 2002



Dung C. Dinh
Primary Examiner